

REMARKS

The applicant has carefully considered the Examiner's amendments and comments in connection with the rejections of the pending claims. As described below, none of claims 1-6, 8-12, 14-47, 50, 51 are anticipated by Pickett. Nor are any of claims 7, 13, or 48 and 49 obvious and unpatentable over Pickett in view of Civanalar (claim 7), obvious and unpatentable over Pickett (claim 13) or obvious and unpatentable over Pickett in view of Lim et al (claims 48-49).

Systems and methods which embody the present invention utilized two communications channels which are different at least in part. For example, one communication channel can be established by a user seeking services, products or the like from a remote site via the internet. A second, different, communications channel (which might be the public switched telephone network) can be established by the remote site for purposes of communicating with the user.

Once the user has logged on and established communications with the remote site, via the internet, the remote site can transfer authentication information to the user. The remote site can also initiate a telephone conversation with the user via the second communications channel and the public switched telephone network.

The user can be requested by the remote site, via the second communications path, to return the authentication information previously downloaded by the first channel. The process of returning the authentication information from a telephone handset being manipulated by the user who is requesting the services or products via the first channel provides a substantial level of confidence that the individual requesting the services or the goods is in fact who he or she claims to be. This authentication process takes advantage of two elements.

A first element involves the user's telephone number, or address on the second network. This piece of information can be obtained by the remote site, either from a database where it has been pre-stored, or, from other information available to the remote site which can provide

appropriate guarantees that the phone number or address does in fact correspond to the user. When the remote site initiates the communications with the user, using the subject phone number or address, it can be expected that the addressed phone or handset will be in the possession or control of the user.

When the user responds by answering the phone call to the remote site, the second element of the authentication process can then be implemented. In this regard, the user is asked to recite back to the remote site, via the second network, either verbally or using the keypad of the respective telephone, the authentication information downloaded by the remote site to the user, using the first communications channel.

In this scenario, the remote site not only controls what is in the authentication information (for example, it could be continuously changing random information), but it also controls where that information is provided (namely to the user requesting the goods or services) and nowhere else. Subsequent to completing the two element authentication process, the remote site, having authenticated the user to a sufficient degree to proceed, can then seek authorization for the requested transaction from the user.

Pickett the primary document relied on in rejections of the pending claims is fundamentally different and unlike the structures and methods of the pending claims. Pickett discloses a card registration transaction and a purchase. Pickett's user must first pre-register a credit card and in doing so provides a PIN to the system (see Fig. 4 thereof). A pre-registration code is also provided by the user via the screen of Fig. 4. This code conveys a portion of the user's credit card number to the system 40.

To initiate either transaction, the user contacts server 40 via the internet 20. Then:

"For each type of transaction, the system calls the user on the telephone to receive the remaining information or authorization necessary to perform it." (Col. 3, lines 59-60 Pickett).

Thus, information flows uni-directionally in Pickett from the user to the system on either channel. This information is stored in secret form in Pickett.

The stored information is not transmitted back to the user in Pickett. Rather, when the user wants to initiate a purchase he/she again provides information as to which requested credit card to use (see Fig. 5) via the internet. The system 40 then initiates a phone call to the user (based on information previously provided by the user). The user via this call is requested to enter his/her PIN (previously provided by the user during pre-registration) for authentication purposes. During that call, the user also authorizes the transaction.

In support of the rejection, the Examiner has alleged that Figs. 3A-3C and Col. 5, lines 44-46, Pickett, correspond to:

"pre-stored instructions for forming confirmation information and for transmitting same to users terminal for display" (Office Action, pg. 5).

We first note that Figs. 3A-3C are merely a unidirectional explanation sent to the user explaining how to create the slice 1 and slice 2 credit card data. No confirmation information at all is transmitted by the screens of Figs. 3A-3C. To pre-register a card, the user fills out information on the screen of Fig. 4 and transmits same (unidirectional) to system 40. Col. 5, lines 44-46 do not support the Examiner's assertions. They merely state that:

"Figs. 3A-3C depict a step by step instruction the user is prompted with on his or her computer screen to register a credit card. The data is entered in the form 120 and is transferred to the computer system 40 as SLICE 0 data to be stored in the database subsystem 40a." (Col. 5, lines 44-47)

The Examiner also alleged that Col. 4, lines 41-44 and Col. 6, lines 8-10 correspond to:

"pre-stored instructions requesting the user to provide at least the confirmation information during the call (Office Action, pg. 5).

The text of Col. 4, lines 41-44 and Col. 6, lines 4-10 merely describes how the user enters a PIN and credit card information to complete the transaction. These are all unidirectional transmissions from the user to the system 40. This is quite unlike the claimed apparatus and methods.

Thus, for at least the above reasons Pickett does not anticipate, nor make obvious, any of the pending claims. Combining Civanlar or Lim with the teachings of Pickett does not make up for the deficiencies described above, of Pickett. Hence for at least the above reasons the pending claims are all allowable.

Unlike the rejection of numbered section 3, claims 42-46 and 47-53 comply with the statutory description requirements. In this regard, the Examiner is directed to pages 12-13 of the specification and Fig. 1 thereof. As noted in the second full paragraph, page 12, server 38 is a software driver structure that executes pre-stored instructions P. Server 38 executes instructions to place a call to the site visitor V.

More particularly, in the third full paragraph of page 12, the following sentence appears:

"The server 38 receives either from target site 30 or directly from visitor V a telephone number where the visitor V can be called or reached essentially immediately."

The above sentence read in the context of the rest of the text on page 3, clearly provides sufficient support for the subject limitation. It has been recognized that the exact words present in the claims need not appear in the specification so long as the subject matter of the wording of the claims is supported by the specification and the figures. It is submitted that one of skill in the art, to whom the claims are directed, would understand from a reading of page 12 where support for the subject limitation is found within the specification.

Relative to the rejection of claim 44 in numbered section 4, as illustrative of Fig. 1, the second network, the public switched telephone network 44 terminates at the visitor's location at telephone 46 in accordance with the wording of claim 44. The Examiner is also referred to the last two lines of page 12, and the first two complete paragraphs of page 13, which discuss the use of the telephone 46. Hence, it is submitted that one of skill in the art would understand the meaning and location of support for the limitation of claim 44.


Relative to numbered paragraph 5 of the Office Action and the rejection of claims 52-54 under 35 USC §112, first paragraph, applicant does not agree that the limitations of claims 52-54 are not adequately taught within the specification. However, for purposes of advancing prosecution by this Amendment, a new paragraph has been added immediately prior to the last two lines of page 25 (which are the start of a new paragraph), by this Amendment, which it is believed obviates the Examiner's rejection in this regard. No new matter has been added.

Relative to numbered section 7 and the rejection of claims 32-36 and 38 pursuant to 35 USC §112, second paragraph, as being indefinite, as explained below the phrase "selected information" of claim 32 does in fact comply with the patent statute. The claims are directed to those of skill in the art who read the specification and review the figures of the pending application including particularly steps 9 and 10 of page 18 of the application. There, a specific example of the visitor to the site V providing a "confirmation number" via the telephone and the switched telephone network is provided. It is to be emphasized that the example of steps 9 and 10 of page 18 is merely that, an example. One of skill in the art would understand the varieties of alternate types of confirmatory information which could be provided by the visitor V. Hence, for at least the above reasons, it is believed that claim 38 does comply with the patent statute.

For all of the above reasons it is requested that the application be allowed.

Respectfully submitted,

WELSH & KATZ, LTD.

By 
Paul M. Vargo
Registration No. 29,116

WELSH & KATZ, LTD.
120 South Riverside Plaza -22nd Floor
Chicago, IL 60606
Phone: (312) 655-1500